

REMARKS

This Amendment rewrites claims 9 and 13-16. The replacement of "apparatus" with -- test card -- is supported by page 9, lines 6-13 and Figs. 1-6. The partition film is supported by page 7, lines 4-6 and page 8, line 20 to page 9, line 5. The "adapted for analysis of chemical, biochemical or biological analytes" feature of claim 9 is supported by page 5, lines 14-15, page 5, line 21 to page 6, line 16 and page 8, line 22 to page 9, line 1 of the specification. Claims 9 and 13-16 are pending.

Examiner Warden is thanked for the courtesies extended to the undersigned during a teleconference held September 5, 2006. The Examiner suggested replacing "apparatus" with -- test card -- and defining "partition" as a -- film -- during the teleconference. No final agreement was reached during the teleconference, although the Examiner indicated that such an amendment would be entered.

Entry of this Amendment is earnestly requested, as it is believed (1) to place the application in condition for allowance, (2) not to raise any new matter or require further search or examination, (3) to be directly responsive to the Official Action and the September 5, 2006 teleconference, and (4) to place the application in even better form for appeal, should such appeal be necessary.

This Amendment overcomes the 35 U.S.C. § 103(a) rejection of claims 9 and 13-16 over U.S. Patent No. 4,314,605 to Sumitomo et al. in view of U.S. Patent No. 5,413,872 to Faigle. The claimed test card is adapted for the analysis of chemical, biochemical or biological analytes, and includes at least one planar surface wherein at least two compartments are located, and which are defined by a partition comprising a film. The compartments create a space which makes it possible to displace at least two liquid samples independently of one another, and comprise at least two different types of grooves: at least one deep groove capable of partitioning samples from one another, the depth and width of the deep groove in relation to the partition being such that capillary action is not enabled; and at least two shallow grooves, each of the shallow grooves being capable of receiving one of the two samples, respectively, the depth of the shallow grooves in relation to the partition being such that capillary action is enabled, with each shallow groove being adjacent to the deep groove along the entire length of the groove.

Applicants previously traversed this obviousness rejection by, inter alia, pointing out both Sumitomo et al. and Faigle are non-analogous art unavailable against the claims of this application.

See page 2, line 10 to page 3, line 8 of the Request for Reconsideration.

The Patent Office maintained this rejection on the ground the claims were not limited to any specific field of endeavor (Official Action, page 4, lines 2-13). The present amendment of claim 9 to require the test card be adapted for the analysis of chemical, biochemical or biological analytes limits the claims to a specific field of endeavor clearly non-analogous from the field of heat exchangers.

Reconsideration and withdrawal of the obviousness rejection of claims 9 and 13-16 over Sumitomo et al. in view of Faigle are earnestly requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of the rejection of claims 9 and 13-16, and issuance of a Notice of Allowance directed to those claims, are earnestly requested. The Examiner is urged to telephone the undersigned should she believe any further action is required for allowance.


It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is

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AMENDMENT AFTER FINAL REJECTION

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requested to charge any such required fee to our Deposit Account  
No. 50-1258.

Respectfully submitted,



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